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Security Council

Fifty-ninth year

Provisional

5097th meeting

Thursday, 9 December 2004, 10 a.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Lucas
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	Chile	Mr. Andereya
	China	Mr. Li Song
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	Spain	Mr. Colomina
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Rostow

Agenda

Non-proliferation of weapons of mass destruction

Letter dated 8 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council (S/2004/958)

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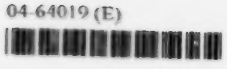

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation of weapons of mass destruction

Letter dated 8 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council (S/2004/958)

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mihnea Ioan Motoc, Chairman of the Security Council Committee established pursuant to resolution 1540 (2004).

There being no objection, it is so decided.

I invite Mr. Motoc to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/958, containing a letter, dated 8 December 2004, from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), transmitting the Committee's first report to the Council.

At this meeting, the Security Council will hear a briefing by Mr. Mihnea Ioan Motoc, Chairman of the Security Council Committee established pursuant to resolution 1540 (2004). I now give him the floor.

Mr. Motoc: Thank you, Mr. President, for giving me the floor and, more importantly, for affording me and the Security Council Committee established pursuant to resolution 1540 (2004) the opportunity to make this briefing to the Council, in what appears to be a very tight December agenda. Before starting the presentation proper of the first report of the Committee to the Security Council, I would first like to express my deep appreciation to all its members for their constructive approach and valuable contributions to the foundation and the initial activities of the Committee.

As Chair of the Committee, I would like to thank all delegations for their hard work and express my hope that our enterprise will continue in the same positive spirit it has proceeded in thus far. A special commendation should go to the wonderful people from the Secretariat, from both the Department of Political Affairs and the Department for Disarmament Affairs, for their invaluable, competent support.

The efforts sustained in the period covered by this report, 11 June to 5 December 2004, were concentrated mainly on making the Committee fully functional and operational before it starts consideration of the first national reports submitted by Member States pursuant to resolution 1540 (2004). While the Committee has been able to draw from the valuable experience of similar subsidiary bodies, I would venture to say that the subject matter of the Committee's work has an added degree of both complexity and sensitivity. To a great extent, the Committee is called upon to cover new ground.

On 28 April 2004, the Security Council unanimously adopted resolution 1540 (2004), which affirms that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Acting under Chapter VII of the United Nations Charter, the Security Council decided that States should refrain from providing any support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Security Council also decided that States shall adopt and enforce appropriate and effective laws which prohibit any non-State actor from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery. The Council further decided that States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of such weapons and their means of delivery. Controls include measures to secure and protect such items, export and border controls, law-enforcement efforts, and the development and improvement of appropriate legislation and administrative provisions.

The adoption of the resolution was preceded by intensive consultations and discussions within and outside the Security Council. Resolution 1540 (2004) imposes binding, far-reaching obligations on all Member States to take legislative and administrative actions in accordance with their national procedures.

In that light, all States have to present to the Committee a first report no later than six months after the adoption of resolution 1540 (2004) — namely, 28 October 2004 — on the steps they have taken, or intend to take, to implement that resolution. By 5 December 2004, only 86 States and one organization had submitted their national reports. Therefore, with the approval of the Committee, the Chairman has sent to all Member States two notes reminding them of their reporting obligations under resolution 1540 (2004) and encouraging them to submit to the Committee their first national reports. Annexed to the Committee's report are lists of countries that have or have not, respectively, met their obligation to submit their first national report.

In my contacts as Chairman of the 1540 Committee, I have had quite a few opportunities to learn of the difficulties experienced by States Members of the United Nations in compiling these first reports. The Committee will look into further ways of dealing with these kinds of situations.

There are already, in some of the reports, indications that future assistance will be needed in the implementation of resolution 1540 (2004). It is our joint responsibility to support all those who are willing to embark, in good faith, on that path and to uphold non-proliferation objectives. I trust that the 1540 Committee will be able to address demands for assistance effectively; performance in terms of implementation will undoubtedly increase significantly as a result.

The Committee, which is chaired by Romania and has appointed three Vice-Chairmen — the Philippines, Benin and the United Kingdom — decided to establish three subcommittees with a view to sharing the task of considering Member States' reports, with each subcommittee covering an equal number of States, according to alphabetical order; the Vice-Chairmen each will chair a subcommittee.

Since its establishment, the 1540 Committee has worked continuously, on both a formal and an informal basis, to adopt the necessary initial documents to enable it to become fully operational, namely the guidelines for the conduct of its work and the guidelines for the preparation of national reports to be submitted to the Committee pursuant to paragraph 4 of resolution 1540 (2004).

The 1540 Committee also adopted guidelines for the hiring of the experts who will help the Committee in the process of considering the national reports submitted pursuant to resolution 1540 (2004). On 1 December 2004, at its third formal meeting, the Committee endorsed the recruitment of four experts. Furthermore, the Committee decided that, in the process of recruiting other experts, it would invite further nominations of persons with expertise in the required areas, particularly from the Asian and African regional groups, which are not yet represented in the context of the recruitment of the first group of experts.

When the process of the recruitment of experts has been completed, the Committee will be fully equipped to begin the substantial stage of its work, namely the consideration of the national reports submitted by Member States pursuant to resolution 1540 (2004).

Cooperation is foreseen with international organizations such as the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons, the Nuclear Suppliers Group and the Zangger Committee, as the 1540 Committee may require future technical assistance from those organizations. It is relevant to note that all the organizations I have mentioned have made specific offers in that regard, which were welcomed and deeply appreciated by the 1540 Committee.

In the spirit of transparency that characterized the adoption of resolution 1540 (2004) and represents an integral component of the 1540 Committee's guidelines, I have conducted, in my capacity as Chairman, outreach activities vis-à-vis the United Nations general membership and relevant international bodies. On 15 September, I held an informal meeting with the wider United Nations membership to offer an update on the work of the Committee and to answer questions pertaining to national reports, which, at the time, were due in a little over a month.

I have also frequently made myself available to the media. With the approval and consent of the Committee, I have attended, during the past trimester, several intergovernmental, regional and academic conferences and symposiums, which has enabled the

Committee to keep various constituencies abreast of developments in its activities. Conversely, reporting back to the Committee, we were able to benefit from feedback, evaluations and ideas pertaining to the implementation of resolution 1540 from relevant and informed circles. I wish to express gratitude to those Governments and academic institutions that took the initiative of fostering such constructive debate on these issues, which are of such great importance to all of us.

In the same vein, I would like to inform the Council of the upcoming availability of the web page of the 1540 Committee. A dozen national reports have been processed and translated and are awaiting posting on the web.

These are, by and large, the factual highlights of the report that is before the Council today. On behalf of the Committee, I look forward to the cooperation of all States as the Committee goes forward with its work in the coming months.

The President (*spoke in Arabic*): I thank Ambassador Motoc for his comprehensive briefing.

Mr. De La Sablière (France) (*spoke in French*): I should like to thank Ambassador Motoc for his report to us on the work of the Committee established pursuant to resolution 1540 (2004). Thanks to his efforts, the Committee has now been able to establish itself and take all the administrative decisions it needed to ensure that its substantive work can proceed well.

Recent proliferation crises have highlighted the need for coordinated action by the international community. They have also shown that there is a need to supplement the international commitments of States with domestic legislative and regulatory measures and also by effective control mechanisms.

The adoption of resolution 1540 (2004), which my country co-sponsored, was an important milestone in the efforts of the international community. The Committee is now going to be able to start considering the national reports. As we know, half of the Member States have already submitted their reports, and we must encourage those countries that have not yet done so to submit their national reports as soon as possible. It is also important that countries that have technical difficulties be able to get assistance they might need to draft their reports. Reading the reports that have already been submitted shows that overall, in our opinion, they are of good quality. There are some indications of requests for assistance in order to implement the measures to meet the obligations in the resolution.

I believe it is our duty to provide rapid follow-up to the reports. When States have taken measures or indicated that they are about to take measures to be in compliance with the resolution, they should be recognized as soon as possible. When they have requested assistance, the Committee should help them obtain such assistance from other Members of the United Nations. France believes the Committee should start work quickly, in a spirit of cooperation, in order to attain its goals. To that end, we have begun considering the reports that have been received, particularly those to be considered by Subcommittee III, of which we are a member.

As the reports are translated into the official languages of the United Nations, and their substantive consideration can begin, we will be submitting our observations to members of the Committee and to the experts for their information. We trust our contribution will facilitate the effective and transparent work of the Committee.

Mr. Denisov (Russian Federation) (*spoke in Russian*): May I thank the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), the Permanent Representative of Romania to the United Nations, Ambassador Motoc, for his detailed briefing on the initial results of the work of the Committee he chairs. The documents recently adopted by the 1540 Committee organizing its activity and the approval of the group of experts will enable the Committee to get down to the practical work assigned to it by the Council, namely analysing the national reports of States on measures to implement resolution 1540 (2004).

I would like to join in the appeal by the representative of France to countries that have not yet submitted their reports to submit them as soon as possible. Having weapons of mass destruction fall into the hands of non-State entities primarily for terrorist purposes is one of the major threats to international peace and to the national security of States. We are convinced that the struggle against the proliferation of such weapons must be waged on a collective basis, strictly in accordance with the rules of international law. We also believe the 1540 Committee must work in close coordination and collaboration with the expertise

of leading organizations and structures that are active in non-proliferation, primarily such organizations as the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons.

Later, one might think about following a practice similar to that of the Counter-Terrorism Committee of the Security Council, namely to hold regular meetings between the 1540 Committee and relevant regional and international organizations.

Mr. Baja (Philippines): I also take this opportunity to thank you, Mr. President, for this open briefing and thank Ambassador Motoc as Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) for its timely progress report on the activities and decisions taken so far by the Committee in implementing its mandate. Allow me just to briefly note two points: first, it is important that the general membership have ample opportunities to be informed of developments in the work of the 1540 Committee in accordance with the spirit of utmost transparency agreed upon by the Committee to characterize the conduct of its work. These opportunities will not only serve to keep Member States abreast of what the 1540 Committee is doing, but also sustain their interest in effectively implementing the resolution.

At this stage, the Chairman's report focused on the organizational activities of the 1540 Committee. As the Committee commences consideration of the national reports submitted, it would to be useful for Member States to be regularly updated both on positive developments, as well as on difficulties that may be encountered by Member States in the implementation of the resolution.

My second point is that my delegation welcomes the 1540 Committee's approval of the recruitment of the first four experts. We look forward to their early appointment, to signal the start of the consideration of national reports. As the reports continue to be submitted and considered, my delegation fully supports the decision taken by the Committee to invite further nomination of experts in the necessary areas of expertise, particularly from Asia and Africa. These are the two regions where most developing countries are situated, and the perspectives of their experts would certainly be constructive and useful in the work of the Committee and in effectively achieving the objectives of resolution 1540 (2004).

Mr. Rostow (United States of America): Resolution 1540 (2004) reflects a shared conviction that States should keep the most dangerous weapons and materials and delivery systems out of the hands of non-state actors and terrorists. President Bush made this point in his address to the General Assembly in 2003 and called on us all to act. Others did so as well. Resolution 1540 (2004) is supposed to enhance everyone's security. That is why the United States is committed to helping make the resolution an effective non-proliferation tool.

While the resolution highlights the challenge of preventing non-State actors and terrorists from obtaining weapons of mass destruction, it also addresses more generally the threat posed by the proliferation of nuclear, chemical and biological weapons, their related materials and means of delivery. Resolution 1540 (2004) also makes specific reference to catchall or user controls to ensure that States adopt them, in order to prevent misuse of the devices and materials specified in the resolution.

I would like to thank Ambassador Motoc and the Security Council Committee established pursuant to resolution 1540 (2004) for the statement and report The United States commends Ambassador Motoc and his Mission colleagues for organizing and leading the 1540 Committee, a task which has not proved to be simple. The Committee's work is important. The Committee should help ensure implementation of resolution 1540 (2004). We are pleased that many countries have submitted reports to the Committee and welcome all the efforts to date to meet the resolution's requirements. We encourage States that have not yet submitted reports to do so as soon as practicable.

Mr. Akram (Pakistan): We join our colleagues in thanking the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) for presenting the first report on the activities and results achieved by the Committee during the period from 11 June to 5 December. We express our deep appreciation to Ambassador Motoc, Chairman of the 1540 Committee, for his efforts in advancing the organizational aspects of the Committee, which have not always proved to be a simple task.

Since this is the last opportunity which my delegation will have to express its views on the important work of the 1540 (2004) Committee in the

Security Council, I would like to address some of the fundamental issues involved.

The scope and purpose of resolution 1540 (2004) are clearly defined in its eighth, ninth and fourteenth preambular paragraphs. Operative paragraph 1 of the resolution is also self-explanatory:

> "[A]ll States shall refrain from providing any support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery."

To that end, all States are required to adopt, enforce and report to the Committee on the steps taken or intended to be taken in accordance with their national legislation and administrative procedures. It is important to note that, as explicitly agreed in resolution 1540 (2004), those measures have to be achieved by Member States through national measures.

As the Chairman's report clearly indicates, the Committee has got off to a good start. With the adoption of necessary guidelines and the submission of a large number of national reports by Member States, including Pakistan, the Committee is now well placed to begin in earnest the substantive work of considering those national reports. However, by its very nature, the work of the 1540 (2004) Committee will be complex and difficult. Ambassador Motoc therefore not only has our admiration, but also our commiseration for the challenging tasks which lie ahead of him.

First, as we all know, there are no agreed international standards in areas in which the Committee would be examining the actions to be taken by Member States. There are various levels of adherence, acceptance and implementation of regimes pertaining to nuclear, chemical or biological weapons and means of delivery. Regardless of the number of States parties, the level of national implementation in the context of the Chemical Weapons Convention is less than satisfactory, despite the fact that the Organization for the Prohibition of Chemical Weapons (OPCW) is a properly constituted and fully functional organization equipped with specialized back-up and support and aided by executive and deliberative bodies. The OPCW has found it difficult to raise the level of implementation of obligations by States even after the lapse of seven years.

The case of the Biological Weapons Convention is even more difficult. There is a provision for verification of States' compliance with their treaty obligations, but at present there are no means to determine violations of the Biological Weapons Convention by some Member States, especially in the context of alleged research and development of defensive bio-weapons.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is an important instrument. However, its provisions are in several respects now unrelated to reality. There are three nuclear-weapon States, including Pakistan, that are not recognized by the NPT but whose cooperation is obviously essential to realizing the objectives of nuclear non-proliferation. And, in the area of means of delivery, it is the most difficult to define. There are no universally agreed norms, let alone an international treaty on missiles and other delivery systems.

Secondly, the Committee will have to grapple with the largely unresolved issue of definitions that not only will leave many legal and technical loopholes, but will also create problems about where, when and how the provisions of the resolution would be applied or implemented by Member States. While the resolution has tried to come up with certain definitions, many questions remain.

Thirdly, there are other equally important questions, such as the capacity of States in terms of resources, qualified manpower and expertise that will arise. All of us know of the vast differences in the economic, industrial, financial, legal and trade profiles of Member States, especially the differences between the developed and the developing countries. Moreover, administrative, legal and law enforcement capabilities vary considerably among Member States. That has become obvious in the context of the Chemical Weapons Convention. It is therefore not surprising that over 100 States, including developed countries, have not yet been able to submit their national reports.

Fourthly, there are also valid questions regarding the capacity of the 1540 (2004) Committee in the context of its expertise, manpower, resources and, more importantly, limited time frame. We wonder if the Committee can do its job with only four experts. We hope that the Committee will approve the hiring of more experts, particularly from developing countries of Asia and Africa, to assist in its work. Such a decision

would also help to dispel the widely held perception — outside the Council, perhaps, if not inside — that the whole process of drafting the resolution, the push for its implementation and the composition of the Committee's experts and staff are being led by the developed countries to the exclusion of a large number of developing Member States. It is obvious that the provisions of technical assistance that may be required by some States will have to be sought from other States or concerned international organizations, and not from the Committee itself.

Fifthly, the Committee will have to ensure that it does not infringe upon, or erode the authority, or duplicate or complicate the work of established treaty regimes and international bodies established under them. In that context, it will have to recognize the differentiated nature of the obligations of Member States.

We hope that the Committee will keep some of those complexities in perspective while it proceeds with the consideration of national reports. Those complexities will be compounded further if attempts are made to enlarge the scope of the 1540 (2004) Committee beyond its mandate to prevent the acquisition of weapons of mass destruction by non-State actors, including terrorists. We hope that the Committee, when considering national reports, will keep its focus on that specific scope and the objective of resolution 1540 (2004). Nor should it lose sight of the fact that the non-proliferation of weapons of mass destruction is, in the final analysis, inextricably linked to the achievement of the disarmament of chemical, biological and nuclear weapons and other means of delivery.

Mr. Valle (Brazil): I want to thank Ambassador Mihnea Motoc, Chairman of the Committee established pursuant to resolution 1540 (2004), for his very thorough briefing. I would also like to commend him and his staff for leading the Committee to the conclusion of this important initial stage, aimed at building the functional and operational capacities required to start with its consideration of national reports.

The Brazilian delegation welcomes the submission of the first national reports within the period established in resolution 1540 (2004) and encourages Member States that have not yet done so to submit their reports to the Committee as soon as possible.

Brazil is committed to the objectives set forth in resolution 1540 (2004), which was adopted with a view to addressing an existing gap in international law, namely, the risk that terrorists and non-State actors may acquire, develop, traffic in or use weapons of mass destruction and their means of delivery. In our view, that objective is to be promoted on the basis of international cooperation and by safeguarding the integrity of multilaterally negotiated instruments, in particular, the rights and obligations of their States parties.

At the beginning of this new phase in the Committee's work, Brazil reaffirms its unequivocal commitment to the cause of a safer world, in which weapons of mass destruction — nuclear, chemical or biological weapons — will no longer exist. We would expect that, in parallel, concrete actions towards effective disarmament by States possessing such arms would also be pursued in good faith.

Mr. Colomina (Spain) (*spoke in Spanish*): I would first of all like to thank Ambassador Motoc for the concise briefing he has just made and for his excellent work and great efforts at the head of the Committee established pursuant to resolution 1540 (2004).

Spain shares the concern of those who believe that the possibility that non-State actors — terrorists in particular — may acquire weapons of mass destruction and related materials poses a real, serious and present threat to international peace and security. We therefore believe that it is necessary to take urgent action to close the legal gap that results from the fact that international non-proliferation and disarmament instruments and regimes do not adequately address this sensitive matter.

As part of the global struggle against terrorism and of the process begun by resolution 1373 (2001), Spain decided to co-sponsor resolution 1540 (2004) and called for the establishment of a Council committee to serve as a follow-up mechanism to the implementation of resolution 1540 (2004).

Spain would like to congratulate the States that have already submitted national reports on the measures adopted to implement resolution 1540 (2004). We encourage States that have not yet done so

to submit their reports as soon as possible. We also call upon States that are encountering technical difficulties in the preparation of their national reports to so inform the Committee and to request the assistance they deem necessary to overcome those difficulties.

Given the considerable number of national reports received, my country welcomes the fact that the Committee has been given the necessary tools to enable it to begin the vital task of studying those reports and to eventually brief the Security Council on the degree of compliance with the resolution. In that connection, we are relieved to know that the Committee has now agreed to immediately hire four experts to assist it with its work, and that two additional experts will be hired in the near future.

In order to facilitate the Committee's work and to avoid overlap, we believe it especially relevant that it establish as soon as possible a fluid working relationship with international organizations and regimes with experience in the area of non-proliferation of weapons of mass destruction, as well as with subsidiary bodies of the Security Council with competency in the field of counter-terrorism, including the Counter-Terrorism Committee (CTC) and the Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban. We also find very relevant the suggestion made by the Russian delegation that, following the practice of the CTC, the Committee in the future consider holding periodic meetings with international, regional and subregional organizations working in the area of non-proliferation.

We welcome the fact that the Committee's functioning is following a path similar to that of the Counter-Terrorism Committee, which is to say that it is governed by the same principles of cooperation, equal treatment and transparency. We believe it essential for that to continue. To ensure that there is transparency in the Committee's work, we encourage the Committee leadership to continue the sound practice, begun today and also followed by the CTC, of submitting regular reports to the Security Council, at least every three months. We also urge it to continue to hold periodic informal meetings with all interested Member States. The imminent launch of the Committee's web site will also make an important contribution to transparency in its work.

Lastly, I would like to say that we are convinced that, as was the case with the Counter-Terrorism Committee, providing technical assistance to Member States for the implementation of the resolution will become another essential aspect of the Committee's work as it moves forward with its tasks.

Mr. Lucas (Angola): I would like to join previous speakers in expressing our gratitude to Ambassador Mihnea Motoc, Chairman of the Committee established pursuant to resolution 1540 (2004), for his first report on the activities of, and results achieved by, the Committee since its inception.

By adopting resolution 1540 (2004), the Security Council decidedly addressed the critical aspect of the proliferation of weapons of mass destruction and the risk that terrorists and other non-State actors may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery. My country fully shares those goals, based on the universally affirmed assumption that the efforts to fulfil the objective of denying weapons of mass destruction to terrorists must be matched by strengthening the existing international regimes aimed at disarmament and the non-proliferation of nuclear, chemical and biological weapons.

We have taken note of the report on the work of the 1540 Committee. The adoption of guidelines for the conduct of the Committee's work and the provision of guidance to Member States in the preparation of national reports were significant steps forward, enabling the Committee to start to carry out its tasks. Furthermore, the report states that by recruiting experts in accordance with the relevant provisions of resolution 1540 (2004) and the guidelines adopted by the Committee, the Committee is now equipped to enter the substantial stage of its work. We hope that the principle of equitable geographical representation will be strictly enforced in the recruitment of other experts in the necessary areas of expertise of the work of the Committee.

Security Council resolution 1540 (2004) calls upon all States to present to the Committee national reports on the steps they have taken, or intend to take, to implement the resolution. The prompt response by many Member States, translated into the submission of more than 80 reports to the Committee, demonstrates the concern for and importance attached to international cooperation to address the threat of weapons of mass destruction falling into the hands of terrorists and other non-State actors. The very large

number of States that did not present their reports demonstrates the difficulties that many States encounter in complying with the provisions of the resolution. As mentioned in the report submitted to the Committee, Angola has taken a number of legislative and administrative measures to comply with the binding legal obligations of the treaties to which it is party and with other commitments in the context of preventing the proliferation of nuclear, chemical and biological weapons.

In conclusion, we acknowledge that only international cooperation can provide the foundation upon which countries can strengthen their capacities to implement the goals set out in resolution 1540 (2004). We would like to take this opportunity to reiterate our commitment to the full implementation of the resolution as well as to the work of the Committee, which we consider of great importance in addressing such dangerous, real and present threats to international peace and security.

Mr. Andereya (Chile) (*spoke in Spanish*): I welcome the detailed information provided by the Permanent Representative of Romania, Ambassador Mihnea Motoc, in his capacity as Chairman of the Security Council Committee established pursuant to resolution 1540 (2004).

Among the relevant activities accomplished by the 1540 Committee relating to the non-proliferation of weapons of mass destruction in the course of the current year, we single out and indicate our appreciation for the efforts that have been made by the Chairman and the members to ensure that the Committee fully carries out its work, thanks to which it now has the necessary guidelines for completing its work, including the preparation of the reports of Member States and the hiring of experts.

With regard to the latter item, we appreciate the decisions adopted by consensus in the Committee, making it possible to initially recruit four experts, who can begin by studying, analysing and transmitting the reports submitted by Member States, in accordance with the provisions of paragraph 4 of resolution 1540 (2004), as well as by preparing the letters of reply to the reports that have already been submitted by 86 States.

The exchange of reports and replies to those reports, will make it possible to maintain a dialogue between Member States and the Committee, with a view to satisfactorily discharging the provisions that govern the measures that will contribute to non-proliferation — especially towards avoiding having nuclear, chemical or biological weapons or their vectors, reaching the hands of non-State actors — and thereby actively cooperating to combat terrorism.

Resolution 1540 (2004) demonstrated the concern of the Security Council and its decision to take decisive action to thwart threats to international peace and security, resulting from the proliferation of chemical, biological and nuclear weapons and their vectors and the fact that they might fall into the hands of non-State actors, including terrorists, who could take advantage of gaps within the legal regimes governing imports and police and border security. The compliance of Member States with the obligations set forth in the resolution is of great importance as it will contribute to ensuring their security, as well as that of the international community.

That is how we think that each and every Member State, in accordance with its own domestic legislation, should set up its own controls on material, equipment and even information about weapons of that nature. It is also a good idea for States that do not have the necessary legal measures to ensure domestic control to quickly comply with measures set forth in resolution 1540 (2004), with a view to ensuring that there is appropriate border control. With regard to the illicit trade of such materials they should also request the necessary assistance of the Committee.

In that connection, it is also a good idea to devise international and regional measures of cooperation that will effectively impede the illicit traffic of weapons of mass destruction. The control and non-proliferation of weapons of mass destruction pose growing challenges to States that are trying to prevent the use of such weapons by non-State actors who engage in terrorist activities and do great damage to freedom and the collective human rights that should be enjoyed by all people.

In conclusion, I would like to say that unity and cooperation in combating the proliferation of terrorism, have also been reflected in the cooperative nature of the work of the Security Council Committee established pursuant to resolution 1540 (2004). That is similar to the work done by the Counter-Terrorism Committee as well as the work carried out by the Al Qaeda/Taliban Sanctions Committee, with

consultations in the form of joint meetings of the chairmen of those committees. Establishing cooperation among the three committees, as stipulated in Security Council resolution 1566 (2004), is an additional challenge to the 1540 Committee, its Chairman and its membership, to whom we wish once again to give our support.

Mr. Li Song (China) (*spoke in Chinese*): The Chinese delegation would like to thank Ambassador Motoc for briefing us on the work of the Security Council Committee established pursuant to resolution 1540 (2004). We appreciate the work he has done in his capacity as Chairman of that Committee.

Over the past seven months since the adoption of resolution 1540 (2004) by the Council on 28 April this year, the 1540 Committee has made encouraging progress in its work. With about 90 countries having submitted their initial reports, the Committee will begin its considerations very soon.

Security Council resolution 1540 (2004) is significant for enhancing international cooperation in addressing the problem of the illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery and related materials by non-State actors and in preventing the further proliferation of weapons of mass destruction.

China hopes that, in the implementation of the resolution, States will strive to achieve the goal of non-proliferation by peaceful means and enter into international cooperation on the basis of equality and trust and in strict accordance with international law. We also hope that the Committee will consider its national reports in a fair, transparent and cooperative manner and will hire more experts from developing countries to assist in its work.

China is one of the first countries to submit its national report. We hope that report will afford an opportunity for others to gain comprehensive knowledge of our efforts in combating the trafficking of weapons of mass destruction. China will continue to implement resolution 1540 (2004) in good faith and will make its own contribution to the work of the Committee.

Mr. Zinsou (Benin) (*spoke in French*): On behalf of the delegation of Benin, I wish to express our great appreciation to Ambassador Motoc of Romania for his dedication and the professional approach he has taken towards the great responsibility entrusted to him by the Security Council. Under his able guidance, the Committee established to ensure and monitor implementation of Security Council resolution 1540 (2004) has now organized its work and adopted the basic documents it needs to ensure its functioning.

The Chairman's first report to the Council clearly shows the methodical approach he has taken towards the work of the Committee. The Committee has established its structure, taking into account the complexity of its task and the sense of urgency required in order to eliminate the risk of the proliferation of weapons of mass destruction and to ensure that such weapons are neither acquired by non-State actors nor fall into the hands of terrorists.

Members of the Committee participated constructively and productively in the lively discussions on the resolution. The international community is in agreement as to the relevancy and usefulness of the resolution as a way of filling the legal gaps identified within the international instruments that seek to deal with the problem of the non-proliferation of weapons of mass destruction.

We confirm our commitment to the Council's goals, which are that States should take appropriate measures as part of collective and vigilant efforts to combat that particularly worrisome threat, which could give rise to such extensive destruction. We would urge the Governments of Member States to follow up on the resolution and to rationalize their domestic measures for monitoring the production and transfer of sensitive materials. We believe that since the adoption of the resolution, Member States have become fully aware of what is at stake and have rightly perceived the need for all involved to actively and fully participate in the ongoing and cooperative efforts to prevent any illegal transfers of weapons of mass destruction and their means of delivery.

I would recall the importance of the presentation of the first report pursuant to the resolution. This report will enable us to assess national policies' alignment with the objectives of the resolution. We welcome the diligence of those States that have already submitted their initial reports. Those reports provide the Committee with information that is critical for assessing States' efforts to implement the resolution for the benefit of all.

Mr. Trautwein (Germany): We express our sincere gratitude to Ambassador Motoc and his team for the able and forward-looking guidance of the Committee established pursuant to resolution 1540 (2004). We thank him for this morning's briefing, which we welcome as a further step in transparency and inclusiveness. Germany considers this openness towards the broader membership essential in achieving the goals of the resolution. The full engagement of every Member State is needed for the successful implementation of this important resolution.

We highly appreciate the support by the Department for Disarmament Affairs for the Committee in the recruitment of four experts, and we welcome the invitation for further nominations for two more experts from as wide of a geographic basis as possible. The Committee is now well-equipped to fulfil its mandate.

We encourage States in a position to do so to offer assistance in response to specific requests by States lacking the legal and regulatory infrastructure, implementation experience or resources for fulfilling their obligations under the resolution. As noted by both the report of the Secretary-General's Advisory Board on Disarmament Matters and the report of the High-level Panel on Threats, Challenges and Change, the Committee should assist Member States in achieving an effective implementation of resolution 1540 (2004), inter alia by offering model legislation for security, tracking, criminalization and export controls.

Germany also welcomes the recommendations contained in the two reports aiming at developing minimum standards for the implementation and improvement of non-proliferation policies and legislation regarding the transfer of weapons of mass destruction (WMDs) and related material to non-State actors. We reiterate our position that determined efforts and further steps in nuclear disarmament and in the implementation of the Chemical and Biological Weapons Conventions, as well as in the areas of the means of delivery, are necessary to effectively close existing gaps in the non-proliferation regimes. We would thus prevent the further proliferation of WMDs and related materials and their means of delivery, including to non-State actors.

We encourage the Chair to deepen contacts with the heads of the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, as well as with the relevant non-proliferation bodies, in order to establish close working relations. Germany looks forward to continued active support for the Committee and the implementation of resolution 1540 (2004).

Sir Emyr Jones Parry (United Kingdom): Allow me to join others in thanking Ambassador Motoc, both for the terrific job he is doing as Chairman and for his update to the Council this morning. The efforts in which he and the other committees in this area are engaged remain urgent. They are — and must be — a very high priority for the United Kingdom, and also, more widely, for the Council and the Members of the United Nations as a whole.

As I have said in previous discussions, the prospect of weapons of mass destruction (WMDs) reaching the hands of terrorists is the ultimate nightmare. It is a terrifying prospect, and terrorist groups have already demonstrated their wish to obtain and their willingness to use WMDs. When the Council voted unanimously to adopt resolution 1540 (2004), we demonstrated a common determination to take concrete steps to mitigate that risk. That requires an effort by all States, first, to adopt robust national legislation that criminalizes attempts by non-State actors to acquire or to traffic in WMDs and secondly, to establish and enforce national controls to catch those who try to evade the law. Shutting off the sources of supply and shutting down the complicated networks of suppliers will take a joint effort by all of us. As is evident where there is any leakage in the system, the weak points in the system are always exploited by terrorists. That requires a global response by all of us.

The United Kingdom is fully behind a collaborative approach to the implementation of this resolution, with all States working together and learning from each other. I would be less than frank if I did not wonder why it has taken us so long to get to where we are this morning. The rapidity with which we have responded to the adoption of this resolution actually does not do us much credit. The need now to continue on this path, expedite progress and actually achieve the goals of the resolution is, it seems to me, quite apparent.

We were one of the first countries to submit a report to the 1540 Committee. We welcome the large number of reports that have already been submitted. We must all call on the States that have not already

done so to submit their reports as a matter of priority. The process of reporting is not in itself the goal of the exercise, and in some cases it is difficult for States to complete it. However, without the information that the reports provide, we will not be able to plug the gaps in the national and international systems that we want to address and have to address. Otherwise, as I said, these gaps will be exploited as points of weakness in the international system.

The 1540 Committee has put in place the essential foundations for its work, but, clearly, a lot remains to be done. We look forward to getting down to business, and the United Kingdom is ready to play its full part in that process. The presence of experts with the Committee should allow us to make swift progress in the analysis of national reports. I hope then to progress further and build on that foundation through the second round of appointments in order to fill the maximum quota with the necessary expertise. The emphasis, however, must be on expertise, on people who can actually do the job. That must be the priority.

We look forward to the Committee developing contacts with the Member States and with international, regional and subregional organizations. They have a key role to play in promoting the understanding both of standards and of what we must do to meet our obligations. The expertise and experience of those organizations will help the Council greatly, especially in those areas in which, by definition, we lack experience and expertise.

Technical assistance is very important to the implementation of the resolution. In our national report, the United Kingdom stated that we would be ready to provide assistance where we could. We stand prepared to respond to specific requests from States who may lack the legal infrastructure, the implementation experience or the resources necessary to fulfil the provisions of resolution 1540 (2004).

The Committee has a busy time ahead. What we have to do is carry on our responsibilities undaunted by the task but committed to actually achieving the results. So, in the next phase we will be taking a long, hard look at how each of us is doing against the standards set in resolution 1540 (2004) with regard to national legislation and controls and the implementation and enforcement of legislation. We must reassure ourselves as we move forward that we are each doing everything that we can to prevent the worst nightmare from coming true. That is why the relationship between the Committee and the Member States is so important and needs to be built upon. If the States are not sure what the standards are, then we have to find ways to actually provide the assistance and the advice necessary. If States need help putting controls in place, then we have to provide the concrete help to do so.

I will conclude by saying that the coordination and the cooperation between the 1540 Committee and the Committees established under resolutions 1373 (2001) and 1267 (1999) seem to us very important. The Committees should pool their knowledge and skills so that we have, in the end, a global effort which will help us to combat terrorism and the threats identified in the resolution.

My concluding thought is that with this Committee — and I fear with the others — there has been an excessive emphasis put on process rather than substance. Process may be important, but the substance has to be got right; otherwise we do not deliver what we need to deliver. I was encouraged by the Secretary-General when, in presenting the report of the High-level Panel to the General Assembly yesterday, he said very clearly that he intends in the early part of 2005 to offer to the Assembly and to all of us a concerted overall strategy to combat terrorism. That is long overdue, and I think we should encourage the Secretary-General in his efforts to identify and shape that proposal. Then I hope we can move forward rapidly to develop the substance and achieve what he set out yesterday as a priority. We very much agree with that.

The President (*spoke in Arabic*): I now will make a statement on behalf of Algeria.

First, I would like to thank the Chairman of the 1540 Committee, Ambassador Motoc, for the valuable report. I also would like to thank the 1540 Committee for its tireless work during recent months. Considerable progress has actually been made since the adoption of resolution 1540 (2004) in eliminating the danger inherent in weapons of mass destruction if they should fall into the hands of non-State actors and entities. We believe that the measures adopted in the resolution will constitute a collective response to that danger and protection from it. We strongly believe that the best way to eliminate that peril is the total elimination of weapons of mass destruction.

There are three subcommittees and guidelines to facilitate the work of the Committee. They, together with national reports, comprise the machinery for implementing resolution 1540 (2004) and show how very much Member States are determined to comply with their obligations. My delegation would like to thank States that have submitted national reports under operative paragraph 4 of the resolution. The Committee should be able to ensure that those States that need assistance can get it. Four experts have been appointed to assist the Committee in studying the reports of the Member States, in addition to their other duties. We expect that two more experts will be appointed soon on the basis of equitable geographic distribution and in conformity with the guidelines that govern the appointment of experts to Committees.

I now resume my function as President of the Council.

There are no more speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.25 a.m.

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Security Council

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Official communiqué of the 5098th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Friday, 10 December 2004, at 11 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 10 December 2004, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 5098th meeting in private with the troop-contributing countries to the United Nations Disengagement Observer Force (UNDOF).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Ms. Lisa Buttenheim, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations.

"Members of the Council, Ms. Buttenheim and representatives of participating troop-contributing countries had a constructive exchange of views."

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